

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**COMONTITI THOMAS,**  
**Petitioner,**

**v.**

**ERIC TICE, et al.,**  
**Respondents.**

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**CIVIL ACTION**

**NO. 20-cv-4428**

**ORDER**

This 29<sup>th</sup> day of August, 2022, after careful and independent consideration of the petition for a writ of habeas corpus filed pursuant to [28 U.S.C. § 2254](#), and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski, no objections having been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The petition for a writ for habeas corpus filed pursuant to [28 U.S.C. § 2254](#) is **GRANTED** with respect to Petitioner's third claim unless the Commonwealth reinstates Petitioner's right of first appeal within 45 days.
3. The petition is **DENIED** with respect to Petitioner's first, second, and fourth claims.
4. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

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/s/ Gerald Austin McHugh  
United States District Judge